

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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STEPHEN W. PERKINS, *et al.*,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC., AND  
DOE DEFENDANTS 1-25,

Defendants.

Case No.: 09-CV-5951 (RJH)

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WILLIAM POLESE, Individually and on  
Behalf of All Persons Similarly Situated,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC., AND  
DOE DEFENDANTS 1-50,

Defendants.

Case No.: 09-CV-6416 (RJH)

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MARILYN MEDDLES, On Behalf of Herself  
and All Others Similarly Situated,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC., AND  
DOE DEFENDANTS 1-20,

Defendants.

Case No.: 09-CV-6669

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**DECLARATION OF CHRISTINE M. FOX IN SUPPORT OF MOTION TO  
CONSOLIDATE RELATED CASES AND  
APPOINT INTERIM CO-LEAD COUNSEL FOR THE PUTATIVE CLASS**

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BLAIR C. FENSTERSTOCK, CONSTANCE  
J. THOMAS, a.k.a. CONSTANCE J.  
FENSTERSTOCK, and All Others Similarly  
Situating,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC., AND  
DOE DEFENDANTS 1-25,

Defendants.

Case No.: 09-CV-6670

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ROBERT I. HARWOOD, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC.,

Defendants.

Case No.: 09-CV-6678

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LEE FRIEDMAN, KENNETH  
GREENBERG, MARCEL KUNZ AND  
JOHN G. REAMS, Individually and On  
Behalf of All Persons Similarly Situated,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC., AND  
DOES 1-50,

Defendants.

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Case No.: 09-CV-6694

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DELMAR S. DUKES, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiffs,

v.

VERIFIED IDENTITY PASS, INC.,

Defendants.

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Case No.: 09-CV-6947

I, Christine M. Fox, declare as follows:

1. I am associated with the law firm of Kaplan Fox & Kilsheimer LLP, counsel for Plaintiffs in the *Perkins* action. I submit this declaration in support of Plaintiffs' Motion to Consolidate Related Cases and Appoint Interim Co-Lead Counsel.

2. Attached are true and correct copies of the following documents:

Exhibit 1 Firm Resume of Kaplan Fox & Kilsheimer LLP

Exhibit 2 Firm Resume of Schneider Wallace Cottrell Braton Konceky LLP

Exhibit 3 Firm Resume of Squitieri & Fearon, LLP

I declare, under penalty of perjury, that the foregoing facts are true and correct to the best of my knowledge, information and belief.

Executed on August 14, 2009, in New York, New York.

  
CHRISTINE M. FOX

## EXHIBIT 1



**KAPLAN FOX & KILSHEIMER LLP**  
**FIRM AND ATTORNEYS BIOGRAPHIES**

Kaplan Fox & Kilsheimer LLP is a firm engaged in the general practice of law with an emphasis on complex and class action securities, antitrust, consumer protection and product liability litigation. The firm has actively participated in numerous complex and class actions throughout the country for over twenty years. It is presently active in major litigations pending in federal and state courts throughout the country.

The firm and its members have served as lead or co-lead counsel, as executive committee member or as liaison counsel, and made significant contributions in many complex class and other multi-party actions in which substantial recoveries were obtained, including the following:

**In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation,**  
07-cv-9633 (S.D.N.Y.) (\$475 million recovered)

**In re Baycol Products Litigation,**  
MDL 1431-MJD/JGL (D. Minn.) (\$350 million recovered to date)

**In re 3Com Securities Litigation,**  
No. C-97-21083-EAI (N.D.Ca) (\$259 million recovered)

**In re MicroStrategy Securities Litigation,**  
No. CV-00-473-A (E.D.Va) (\$155 million recovered)

**In re Informix Securities Litigation,**  
C-97-129-CRB (N.D.Ca) (\$136.5 million recovered)

**In re Infant Formula Antitrust Litigation,**  
MDL 878 (N.D.Fla) (\$126 million recovered)

**In re Flat Glass Antitrust Litigation,**  
MDL 1200 (W.D.P.) (\$121 million recovered)

**In re Providian Credit Card Cases,**  
JCCP 4085 (Sup. Ct., S.F. County, CA)

**In re Providian Financial Corp. Credit Card Terms Litigation,**  
MDL No. 1301-WY (E.D. Pa.) (\$105 million recovered)

**In re Xcel Energy, Inc. Securities Litigation,**

Master File No. 02-CV-2677-DSD (D.Mn) (\$80 million recovered)

**In re Elan Corporation Securities Litigation,**

No. 02-CV-0865-RMB (S.D.N.Y.) (\$75 million recovered)

**Barry Van Roden, et al. v. Genzyme Corp., et al.**

No. 03-CV-4014-LLS (S.D.N.Y.) (\$64 million recovered)

**In re L.A. Gear Securities Litigations,**

CV-90-2832-KN (Bx), et al. (C.D.Ca.) (\$50 million plus recovered)

**Rosen, et al. v. Macromedia, Inc., et al.,**

Case No. 988526 (Sup. Ct., SF County Ca.) (\$48 million recovered)

**In re Ames Department Stores Securities Litigation,**

MDL No. 924 (S.D.N.Y.) (\$46 million recovered)

**In re Salomon Analyst Metromedia Litigation,**

02-cv-7966 (S.D.N.Y.) (\$35 million recovered)

**In re Genentech, Inc. Securities Litigation,**

C-88-4038-DLJ (N.D.Ca.) (\$29 million recovered)

**In re Tele-Communications, Inc. Securities Litigation,**

C-97-421 (C.D.Ca.) (\$26.5 million recovered)

**In re Sun Healthcare Group, Inc. Litigation,**

C-95-7005-JC/WWD (D.N.M.) (\$24 million recovered)

**In re Centennial Technologies Litigation,**

97-10304-REK (D. Mass.) (\$21.5 million recovered and other consideration)

**In re PepsiCo Securities Litigation,**

82 Civ. 8288 (S.D.N.Y.) (\$21 million recovered)

**In re Proquest Company Securities Litigation,**

06-cv-10619 (E.D. MI) (\$20 million recovered)

**In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation –  
Excite@Home Corporation,**

02-cv-3042 (S.D.N.Y.) (\$19 million recovered)

**Scheatzle, et al. v. Eubanks, et al.,**

C-92-20785-JW (EAI) (N.D.Ca.) (\$18.6 million recovered)

**In re Escala Group, Inc. Securities Litigation,**

06-cv-3518 (S.D.N.Y.) (\$18 million recovered)

**Kensington Capital Management v. Oakley, Inc., et al.,**

No. SACV97-808 GLT (Eex) (C.D.Ca) (\$17.5 million recovered)

**In re Computer Memories Securities Litigation,**

No. C-85-2335 (A)-EFL (N.D.Ca.) (\$15.5 million recovered)

**In re Wyse Technology Securities Litigation,**

C-89-1818-WHO (N.D.Ca.) (\$15.5 million recovered)

**Provenz v. Miller, et al.,**

C-92-20159-RMW (N.D.Ca.) (\$15 million recovered)

**In re Gupta Corporation Securities Litigation,**

C-94-1517-FMS (N.D.Ca.) (\$14.25 million recovered)

**In re MicroPro Securities Litigation,**

C-85-7428-EFL (N.D.Ca.) (\$14 million recovered)

**In re Immunex Securities Litigation,**

C-92-48 WD (W.D.Wa.) (\$14 million recovered)

**Barry Hallet, Jr. v. Li & Fung, Ltd., et al.,**

95 Civ. 8917 (S.D.N.Y.) (\$13.65 million recovered)

**LACERA v. Citigroup, Inc., et al. (Salomon Analyst – Focal Communications, Inc.),**

04-cv-5854 (S.D.N.Y.) (\$13 million recovered)

**In re Salomon Analyst Williams Securities Litigation,**

02-cv-8156 (S.D.N.Y.) (\$12.5 million recovered)

**Stuart Markus v. The North Face, Inc., et al.,**

No. 97-Z-473 (D.Co) (\$12.5 million recovered)

**Mel Klein v. Laura L. King, et al.,**

C-88-3141-FMS (N.D.Ca.) (\$11.65 million recovered)

**Igor Cheredrichenko, et al. v. Quarterdeck Corp., et al.,**

Case No. 97-4320 (GHK) (C.D. Ca.) (\$11 million recovered)

**In re Cheyenne Software, Inc. Securities Litigation,**

94 Civ. 2771 (E.D.N.Y.) (\$10.25 million recovered)

The following are the attorneys of the firm who regularly engage in complex litigation:

**PARTNERS**



**ROBERT N. KAPLAN** Widely recognized as a leading securities litigator, Robert Kaplan has led the prosecution of numerous securities fraud class actions and shareholder derivative actions, recovering hundreds of millions of dollars for the victims of corporate wrongdoing. He also has earned a reputation as a leading litigator in the antitrust and consumer protection arenas. Mr. Kaplan has been with Kaplan Fox for 30 years, joining in 1971.

Mr. Kaplan honed his litigation skills as a trial attorney with the U.S. Department of Justice. There, he gained significant experience litigating both civil and criminal actions. He also served as law clerk to the Hon. Sylvester J. Ryan, then chief judge of the U.S. District Court for the Southern District of New York.

Mr. Kaplan's published articles include: "Complaint and Discovery In Securities Cases," *Trial*, April 1987; "Franchise Statutes and Rules," *Westchester Bar Topics*, Winter 1983; "Roots Under Attack: *Alexander v. Haley* and *Courlander v. Haley*," *Communications and the Law*, July 1979; and "Israeli Antitrust Policy and Practice," *Record of the Association of the Bar*, May 1971.

In addition, Mr. Kaplan served as an acting judge of the City Court for the City of Rye, N.Y., from 1990 to 1993.

Mr. Kaplan sits on the boards of several community organizations, including the Board of Directors of the Carver Center in Port Chester, N.Y., and the Board of Directors of the Rye Free Reading Room in Rye, N.Y.

**Education:**

- B.A., Williams College (1961)
- J.D., Columbia University Law School (1964)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1964)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth, and Eleventh Circuits
- U.S. District Courts for the Southern, Eastern, and Northern Districts of New York, the Central District of Illinois, and the District of Arizona

**Professional affiliations:**

- National Association of Securities and Commercial Law Attorneys (past President)
- Committee to Support the Antitrust Laws (past President)
- Advisory Group of the U.S. District Court for the Eastern District of New York
- American Bar Association
- Association of Trial Lawyers of America (Chairman, Commercial Litigation Section, 1985-86)
- Association of the Bar of the City of New York (served on the Trade Regulation Committee; Committee on Federal Courts)

Mr. Kaplan can be reached by email at: [rkaplan@kaplanfox.com](mailto:rkaplan@kaplanfox.com)

**FREDERIC S. FOX** first associated with Kaplan Fox in 1984, and became a partner in the firm in 1991. He has concentrated his work in the area of securities fraud litigation. Mr. Fox has played important roles in many major securities fraud cases. He was one of the lead trial lawyers in two recent securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

**Education:**

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1985)
- U.S. Courts of Appeals for the Fourth, Fifth, and Sixth Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional affiliations:**

- American Bar Association
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: [ffox@kaplanfox.com](mailto:ffox@kaplanfox.com)

**RICHARD J. KILSHEIMER** first associated with Kaplan Fox in 1976, and became a partner in the firm in 1983. His practice is concentrated in the area of antitrust litigation, and he has played significant roles in several of the largest antitrust class actions in the country. He also practices in the areas of securities fraud and commercial litigation.

Prior to joining the firm, Mr. Kilsheimer served as law clerk to the Hon. Lloyd F. MacMahon (1975-76), formerly Chief Judge of the U.S. District Court for the Southern District of New York.

Mr. Kilsheimer is co-author of "Secondary Liability Developments," ABA Litigation Section, Subcommittee on Secondary Liability, 1991-1994.

**Education:**

- A.B., University of Notre Dame (1972)

- J.D., cum laude, St. John's University (1975)

**Bar affiliations and court admissions:**

- State of New York (1976)
- U.S. Court of Appeals for the Second Circuit (1983)
- U.S. District Courts for the Southern and Eastern Districts of New York (1976) and the Northern District of Indiana (1987)

**Professional affiliations:**

- Association of the Bar of the City of New York
- Federal Bar Council
- Committee to Support the Antitrust Laws
- Association of Trial Lawyers of America

Mr. Kilsheimer can be reached by email at: [rkilsheimer@kaplanfox.com](mailto:rkilsheimer@kaplanfox.com)

**GREGORY K. ARENSON** is a seasoned business litigator with experience representing clients in a variety of areas, including antitrust, securities, employee termination, fraud, contract, and unfair competition. His economics background provides unique insights on antitrust liability and damages issues. Mr. Arenson has been a partner in the firm since 1993.

Prior to joining Kaplan Fox, Mr. Arenson was a partner with Proskauer Rose. Earlier in his career, he was a partner with Schwartz Klink & Schreiber, and an associate with Rudnick & Wolfe (now Piper Marbury).

Mr. Arenson writes frequently on discovery issues and the use of experts. Recently published articles include: "Rule 8 (a)(2) After *Twombly*: Has There Been a Plausible Change? 14 NY Litigator 23" (2009); "Who Should Bear the Burden of Producing Electronic Information?" 7 *Federal Discovery News*, No. 5, at 3 (April 2001); "Work Product vs. Expert Disclosure – No One Wins," 6 *Federal Discovery News*, No. 9, at 3 (August 2000); "Practice Tip: Reviewing Deposition Transcripts," 6 *Federal Discovery News*, No. 5, at 13 (April 2000); and "The Civil Procedure Rules: No More Fishing Expeditions," 5 *Federal Discovery News*, No. 9, at 3 (August 1999). He was also co-author of "The Good, the Bad and the Unnecessary: Comments on the Proposed Changes to the Federal Civil Discovery Rules," 4 *NYLitigator* 30 (December 1998); co-author of "The Search for Reliable Expertise: Comments on Proposed Amendments to the Federal Rules of Evidence," 4 *NYLitigator* 24 (December 1998); co-editor of *Federal Rules of Civil Procedure, 1993 Amendments, A Practical Guide*, published by the New York State Bar Association; and a co-author of "Report on the Application of Statutes of Limitation in Federal Litigation," 53 *Albany Law Review* 3 (1988).

Mr. Arenson's *pro bono* activities include service as a mediator in the U.S. District Court for the Southern District of New York. In addition, he is an active alumnus of the Massachusetts Institute of Technology, serving as a member of the Corporation, a member of the Corporation

Development Committee, vice president of the Association of Alumni/ae, and member of the Alumni/ae Fund Board (of which he was a past chair).

**Education:**

- S.B., Massachusetts Institute of Technology (1971)
- J.D., University of Chicago (1975)

**Bar affiliations and court admissions:**

- Bar of the State of Illinois (1975)
- Bar of the State of New York (1978)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second and Seventh Circuits
- U.S. District Courts for the Northern and Central Districts of Illinois, and the Southern and Eastern Districts of New York
- U.S. Tax Court

**Professional affiliations:**

- New York State Bar Association, Federal Litigation Section, Committee on Federal Procedure (Chairman since 1997)
- Association of the Bar of the City of New York
- American Bar Association
- Member, advisory board, Federal Discovery News (1999 – present)

Mr. Arenson can be reached by email at: [garenson@kaplanfox.com](mailto:garenson@kaplanfox.com)

**LAURENCE D. KING** first associated with Kaplan Fox in 1994, and became a partner in the firm in 1998. Mr. King, who practices in the areas of securities and consumer litigation, is a resident partner in the firm's San Francisco office. Mr. King has played a substantial role in cases that have resulted in some of the largest recoveries obtained by Kaplan Fox and was one of the lead trial lawyers in two recent securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Prior to joining Kaplan Fox, Mr. King honed his litigation skills as an assistant district attorney for New York County, where he tried numerous felony prosecutions to a jury verdict.

**Education:**

- B.S., Wharton School of the University of Pennsylvania (1985)
- J.D., Fordham University School of Law (1988)

**Bar affiliations and court admissions:**

- Bar of the State of Connecticut (1988)
- Bar of the State of New York (1989)
- Bar of the State of New Jersey (1993)
- Bar of the Commonwealth of Pennsylvania (1993)
- Bar of the State of California (2000)

- U.S. District Courts for the District of New Jersey, the Eastern District of Pennsylvania, the Southern and Eastern Districts of New York, and the Central District of California

**Professional affiliations:**

- New York State Bar Association
- New Jersey State Bar Association
- San Francisco Bar Association
- American Bar Association

Mr. King can be reached by email at: [lking@kaplanfox.com](mailto:lking@kaplanfox.com)

**JOEL B. STRAUSS** first associated with Kaplan Fox in 1992, and became a partner in the firm in 1999. He practices in the area of securities and consumer fraud class action litigation, with a special emphasis on accounting and auditing issues.

Prior to joining Kaplan Fox, Mr. Strauss served as a senior auditor with one of the former “Big Eight” accounting firms. Combining his accounting background and legal skills, he has played a critical role in successfully prosecuting numerous securities class actions across the country on behalf of shareholders. Mr. Strauss was one of the lead trial lawyers for the plaintiffs in the first case to go to trial and verdict under the Private Securities Litigation Reform Act of 1995.

More recently Mr. Strauss has been involved in representing the firm’s institutional clients in the following securities class actions, among others: *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation* (S.D.N.Y.); *In re Credit Suisse-AOL Securities Litigation* (D. Mass.); and *In re Prestige Brands Holdings Inc. Securities Litigation* (S.D.N.Y.). He has also recently served as lead counsel for lead plaintiffs in *In re OCA, Inc. Securities Litigation* (E.D. La., \$6.5 million settlement) and *In re Proquest Company Securities Litigation* (E.D. Mich., \$20 million settlement).

Although currently practicing exclusively in the area of law, Mr. Strauss is a licensed Certified Public Accountant in the State of New York.

Mr. Strauss has also been a guest lecturer on the topics of securities litigation, auditors’ liability and class actions for seminars sponsored by the Practicing Law Institute and the Association of the Bar of the City of New York.

**Education:**

- B.A., Yeshiva University (1986)
- J.D., Benjamin N. Cardozo School of Law (1992)

**Bar Affiliations and Court Admissions:**

- Bar of the State of New Jersey
- Bar of the State of New York

- U.S. District Courts for the Southern and Eastern Districts of New York and the District of New Jersey
- U.S. Court of Appeals for the First, Second and Third Circuits

**Professional Affiliations:**

- Association of the Bar of the City of New York
- New York State Bar Association
- American Institute of Certified Public Accountants

Mr. Strauss can be reached by email at: [jstrauss@kaplanfox.com](mailto:jstrauss@kaplanfox.com)

**LINDA P. NUSSBAUM** joined Kaplan Fox in February 2007 as a partner. She previously was the resident Partner of the New York City office of Cohen Milstein Hausfeld & Toll, P.L.L.C.

She is presently in a lead counsel position in a number of significant antitrust class actions pending throughout the United States including: In re Plastics Additives Antitrust Litigation (E.D., Pa); In re DDAVP Litigation (S.D.N.Y.); In re Ovcon Litigation (D.D.C.); In re Plavix Litigation (S.D. Oh.); In re Metoprolol Succinate Direct Purchaser Antitrust Litigation (U.S.D.C., Delaware); and Meijer, Inc. et al v. Braintree Laboratories (U.S.D.C. Delaware).

She has recently served as lead counsel in a number of antitrust class actions that have resolved favorably for the plaintiff class including In re Lozazepam nd Clorazepate Antitrust Litigation (D.D.C.) where, in approving the \$35 million settlement, Chief Judge Hogan commented, "Obviously, the skill of the attorneys, and I'm not going to spend the time reviewing it, I'm familiar with counsel, and they, as I said, are among the best antitrust litigators in the country;" In re Relafen Antitrust Squibb Co. (D. Mass); and Oncology Radiation Associates, P.A. v. Bristol Myers Squibb Co. (D.D.C.) (\$65 million settlement).

Ms. Nussbaum is a member of the American Law Institute. She has lectured at the ABA Antitrust Section Spring Meeting on several occasions, including the 2007 55<sup>th</sup> Annual Antitrust Law Spring Meeting, at the University of San Francisco Pharmaceutical Antitrust Seminar, and recently at the New York State Bar Antitrust Law Section Annual Meeting, Ms. Nussbaum is admitted to practice in New York and the District of Columbia.

**Education:**

- B.A., Brooklyn College (1974)
- J.D., George Washington University (1977)
- LL.M., Degree in Taxation from New York University School of Law (1984)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1974)
- Bar of the District of Columbia
- U.S. District Courts for the Southern, Eastern and Northern Districts of New York and the District of Columbia



- Supreme Court of the United States

**Professional affiliations:**

- American Bar Association
- New York State Bar Association

Ms. Nussbaum can be reached by email at [lnussbaum@kaplanfox.com](mailto:lnussbaum@kaplanfox.com)

**HAE SUNG NAM** first associated with Kaplan Fox in 1999 and became a partner in the firm in 2005. She practices in the areas of securities and antitrust litigation.

Prior to joining the firm, Ms. Nam was an associate with Kronish Lieb Weiner & Hellman LLP, where she trained in corporate securities law and mergers and acquisitions. She also served as an intern for the U.S. Department of Justice, Antitrust Division.

During law school, Ms. Nam was a member of the George Washington University Law Review. She is the author of a case note, "Radio – Inconsistent Application Rule," 64 Geo. Wash. L. Rev. (1996).

**Education:**

- B.A., magna cum laude, Syracuse University (1994)
- J.D., with honors, George Washington University School of Law (1997)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1998)
- U.S. District Court for the Eastern District of Wisconsin

**Professional affiliations:**

- New York State Bar Association
- American Bar Association

Ms. Nam can be reached by email at: [hnam@kaplanfox.com](mailto:hnam@kaplanfox.com)

**DONALD R. HALL** first associated with Kaplan Fox in 1998 and became a partner in the firm in 2005. He practices in the areas of antitrust, securities, and civil litigation.

During law school, Mr. Hall was a member of the Fordham Urban Law Journal and a member of the Fordham Moot Court Board. He also participated in the Criminal Defense Clinic, representing criminal defendants in federal and New York State courts on a pro-bono basis.

**Education:**

- B.A., College of William and Mary (1995)
- J.D., Fordham University School of Law (1998)

**Bar affiliations and court admissions:**

- Bar of the State of Connecticut (2001)
- Bar of the State of New York (2001)
- U.S. District Court for the Southern District of New York

**Professional affiliations:**

- American Bar Association
- Association of Trial Lawyers of America
- New York State Bar Association

Mr. Hall can be reached by email at: [dhall@kaplanfox.com](mailto:dhall@kaplanfox.com)

**JASON A. ZWEIG** became associated with Kaplan Fox in January 2003. He practices in the areas of securities, antitrust, and other areas of civil litigation.

Prior to joining the firm, Mr. Zweig was an associate with Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation.

During law school, Mr. Zweig was Executive Editor for the Columbia Journal of Environmental Law.

**Education:**

- B.S., Indiana University (1995)
- J.D., Columbia University School of Law (1998)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1999)
- U.S. Dist. Court for the Southern District of New York (2000)
- U.S. Dist. Court for the Eastern District of New York (2000)
- United States Court of Appeals for the Third Circuit (2001)

**Professional affiliations:**

- Association of the Bar of the City of New York

Mr. Zweig can be reached by email at: [jzweig@kaplanfox.com](mailto:jzweig@kaplanfox.com)

**ASSOCIATES**

**CHRISTINE FOX** has been associated with Kaplan Fox since 1995. She practices in the areas of securities and antitrust litigation.

**Education:**

- B.S., Cornell University (1992)
- J.D., University of Michigan Law School (1994)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1995)
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional Affiliations:**

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association
- Bar Association of the City of New York



Ms. Fox can be reached by email at: [cfox@kaplanfox.com](mailto:cfox@kaplanfox.com)

**LORI S. BRODY** practices in the area of complex litigation. She first became associated with Kaplan Fox in 2001, and is resident in the firm's Los Angeles office.

**Education:**

- B.A., University of California, Berkeley (1987)
- J.D., University of California, Los Angeles (1990)

**Bar affiliations and court admissions:**

- Bar of the State of California (1990)
- U.S. District Courts for the Northern, Central and Southern Districts of California

Ms. Brody can be reached by email at: [lbrody@kaplanfox.com](mailto:lbrody@kaplanfox.com)

**PAMELA MAYER** has been associated with Kaplan Fox since February 2009. She practices in the area of securities litigation.

Prior to joining Kaplan Fox, Ms. Mayer was a securities investigation and litigation attorney for a multinational investment bank. Utilizing her combined legal and business background, including her M.B.A., she is focused on the research and analysis of securities claims on behalf of our firm's individual and institutional clients. Ms. Mayer also has substantial litigation experience in the area of intellectual property.

**Education:**

- B.S., The University of Rochester (1985)
- J.D., The George Washington University (1990)
- M.B.A., Finance, The University of Michigan (1997)

**Bar Affiliations and Court Admissions:**

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional Affiliations:**

- New York State Bar Association

Ms. Mayer can be reached by email at: [pmayer@kaplanfox.com](mailto:pmayer@kaplanfox.com)

**JEFFREY P. CAMPISI** became associated with Kaplan Fox in February 2004. He practices in the areas of securities, antitrust, and other areas of civil litigation.

Prior to joining the firm, Mr. Campisi served as law clerk to the Hon. Herbert J. Hutton. Also, Mr. Campisi was an associate with Dewey Ballantine LLP in New York where he practiced in all areas of civil litigation.

During law school, Mr. Campisi was a member of the Villanova Law Review.

**Education:**

- B.A., cum laude, Georgetown University (1996)

- J.D., summa cum laude, Villanova University School of Law (2000)

**Bar affiliations and court admissions:**

- Bar of the State of New York (2001)
- U.S. Dist. Court for the Southern District of New York (2001)
- U.S. Dist. Court for the Eastern District of New York (2001)

**Professional affiliations:**

- American Bar Association

Mr. Campisi can be reached by email at: [jcampisi@kaplanfox.com](mailto:jcampisi@kaplanfox.com)

**ELANA KATCHER** has been associated with Kaplan Fox since July 2007. She practices on complex commercial litigation.

**Education:**

- B.A. Oberlin College (1994)
- J.D., New York University (2003)

**Bar Affiliations and Court Admissions:**

- New York State Bar Association
- New York City Bar Association

Ms. Katcher can be reached by email at: [ekatcher@kaplanfox.com](mailto:ekatcher@kaplanfox.com)

**MELINDA RODON** has been associated with Kaplan Fox since September 2004. She practices in the areas of securities, antitrust, and other areas of civil litigation.

While attending law school, Ms. Rodon provided pro bono legal services to the Philadelphia community through the Civil Practice Clinic of the University of Pennsylvania Law School as well as the Homeless Advocacy Project. She also conducted pro bono legal research for the Southern Poverty Law Center.

**Education:**

- B.A., University of Missouri (2000)
- J.D., University of Pennsylvania Law School (2004)

**Bar affiliations and court admissions:**

- Bar of the State of New York (2005)
- U.S. Court of Appeals for the First Circuit
- U.S. Dist. Courts for the Southern and Eastern District of New York

**Professional affiliations:**

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association

Ms. Rodon can be reached by email at: [mrodon@kaplanfox.com](mailto:mrodon@kaplanfox.com)

**JOHN D. RADICE** became associated with Kaplan Fox in May 2008. He practices in the areas of antitrust, False Claims Act, and other areas of civil litigation. Prior to joining the firm, Mr. Radice was an associated with major plaintiffs' class action firms in New York and Philadelphia, where he primarily represented clients pursuing antitrust, False Claims Act, and international human rights cases.

**Education:**

- A.B., magna cum laude, Princeton University (1997)
- J.D., New York University School of Law (2003)

**Bar Affiliations:**

- Bar of the State of New Jersey (2004)
- Bar of the State of New York (2005)
- U.S. District Courts for the Southern and Eastern Districts of New York and the District of New Jersey

Mr. Radice can be reached by email at: [jradice@kaplanfox.com](mailto:jradice@kaplanfox.com)

**AVIAH COHEN PIERSON** has been associated with Kaplan Fox since September 2005. She practices in the areas of antitrust, securities, and other areas of civil litigation. During law school, Ms. Pierson interned for Judge Mark D. Fox in the Southern District of New York. In addition, she was a member of the Fordham Law Review.

**Education:**

- B.A., summa cum laude, University of Pennsylvania (2000)
- J.D., Fordham University, School of Law (2005)

**Bar Affiliations and Court Admissions:**

- Bar of the State of New York (2006)
- U.S. District Courts for the Southern and Eastern Districts of New York

Ms. Pierson can be reached by email at: [acohenpierson@kaplanfox.com](mailto:acohenpierson@kaplanfox.com)

**MARIO M. CHOI** is a resident of the San Francisco office of Kaplan Fox and practices in the area of complex civil litigation. Prior to joining the firm in February 2009, Mr. Choi was a litigation associate at Pryor Cashman LLP and a law clerk to the Hon. Richard B. Lowe, III, Justice of the New York Supreme Court, Commercial Division.

**Education:**

- B.A., Boston University (2000)
- M.A., Columbia University (2001)
- J.D., Northeastern University (2005)

**Bar Affiliations and Court Admissions:**

- Bar of the State of New York (2006)
- Bar of the State of California (2006)

- U.S. District Courts for the Southern District of New York and Central District of California

**Professional Affiliations:**

- American Bar Association
- New York State Bar Association
- Asian American Bar Association – Bay Area, New York

Mr. Choi can be reached by email at: [mchoi@kaplanfox.com](mailto:mchoi@kaplanfox.com)

**IRINA KOBYLEVSKY** has been associated with Kaplan Fox since September 2008. She practices in the areas of securities, antitrust, and other areas of civil litigation. During law school she was a teaching assistant for the legal writing course and was a member of the Intellectual Property Law Journal.

**Education:**

- B.S., Cornell University (2005)
- J.D., Fordham University School of Law (2008)

**Bar Affiliations and Court Admissions:**

- Bar of the State of New Jersey (2009)
- Bar of the State of New York, *admission pending*

Ms. Kobylevsky can be reached by email at: [ikobylevsky@kaplanfox.com](mailto:ikobylevsky@kaplanfox.com)

**OF COUNSEL**

**W. MARK MCNAIR** practices in the area of securities litigation with a special emphasis on institutional investor involvement. He associated with the firm in 2003, and is resident in Washington, D.C. Prior to entering private practice, he was an attorney at the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

**Education:**

- B.A. with honors, University of Texas at Austin (1972)
- J.D. University of Texas at Austin (1975)
- L.L.M. (Securities) Georgetown University (1989)

Mr. McNair can be reached at [mmcnair@kaplanfox.com](mailto:mmcnair@kaplanfox.com)

**LINDA M. FONG** practices in the areas of general business and consumer protection class action litigation. She has been associated with Kaplan Fox since 2001, and is resident in the firm's San Francisco office. Ms. Fong serves on the Board of the San Francisco Trial Lawyers Association and is active in its Women's Caucus.

**Education:**

- J.D., University of San Francisco School of Law (1985)

- B.S., with honors, University of California, Davis
- Elementary Teaching Credential, University of California, Berkeley

**Bar affiliations and court admissions:**

- Bar of the State of California (1986)
- U.S. District Courts for the Northern and Eastern Districts of California
- U.S. Court of Appeals for the Ninth Circuit

**Professional affiliations:**

- San Francisco Trial Lawyers Association
- Asian American Bar Association
- Bar Association of San Francisco
- Trial Lawyers for Public Justice
- Consumer Attorneys of California

**Awards:**

- Presidential Award of Merit
- Consumer Attorneys of California, 2000

Ms. Fong can be reached by email at: [lfong@kaplanfox.com](mailto:lfong@kaplanfox.com)

**GARY L. SPECKS** practices primarily in the area of complex antitrust litigation. He has represented plaintiffs and class representatives at all levels of litigation, including appeals to the U.S. Courts of Appeals and the U.S. Supreme Court. In addition, Mr. Specks has represented clients in complex federal securities litigation, fraud litigation, civil RICO litigation, and a variety of commercial litigation matters. Mr. Specks is resident in the firm's Chicago office.

During 1983, Mr. Specks served as special assistant attorney general on antitrust matters to Hon. Neil F. Hartigan, then Attorney General of the State of Illinois.

**Education:**

- B.A., Northwestern University (1972)
- J.D., DePaul University College of Law (1975)

**Bar affiliations and court admissions:**

- Bar of the State of Illinois (1975)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

**Professional affiliations:**

- American Bar Association
- Illinois Bar Association
- Chicago Bar Association

Mr. Specks can be reached by email at: [gspecks@kaplanfox.com](mailto:gspecks@kaplanfox.com)

**WILLIAM J. PINILIS** practices in the areas of commercial, consumer and securities class action litigation.

He has been associated with Kaplan Fox since 1999, and is resident in the firm's New Jersey office.

In addition to his work at the firm, Mr. Pinilis has served as an adjunct professor at Seton Hall School of Law since 1995, and is a lecturer for the New Jersey Institute for Continuing Legal Education. He has lectured on consumer fraud litigation and regularly teaches the mandatory continuing legal education course Civil Trial Preparation.

Mr. Pinilis is the author of "Work-Product Privilege Doctrine Clarified," *New Jersey Lawyer*, Aug. 2, 1999; "Consumer Fraud Act Permits Private Enforcement," *New Jersey Law Journal*, Aug. 23, 1993; "Lawyer-Politicians Should Be Sanctioned for Jeering Judges," *New Jersey Law Journal*, July 1, 1996; "No Complaint, No Memo – No Whistle-Blower Suit," *New Jersey Law Journal*, Sept. 16, 1996; and "The *Lampf* Decision: An appropriate Period of Limitations?" *New Jersey Trial Lawyer*, May 1992.

**Education:**

- B.A., Hobart College (1989)
- J.D., Benjamin Cardozo School of Law (1992)

**Bar affiliations and court admissions:**

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the District of New Jersey, and the Southern and Eastern Districts of New York

**Professional affiliations:**

- Morris County Bar Association
- New Jersey Bar Association
- Graduate, Brennan Inn of Court

Mr. Pinilis can be reached by email at: [wpinilis@kaplanfox.com](mailto:wpinilis@kaplanfox.com)

**CHARLES J. MOXLEY, JR.** practices in the areas of securities, insurance, commercial, corporate, and general civil litigation, as well as performing arbitration and appellate work. He has been associated with Kaplan Fox since 1994.

Mr. Moxley started his career as an associate at Davis Polk & Wardwell, and thereafter was a member of several New York City law firms. He has also served as a law professor at St. John's University School of Law and as an adjunct professor at New York Law School, teaching courses in the litigation area, including federal and New York practice, evidence, and professional responsibility. Mr. Moxley has been an arbitrator on numerous substantial arbitrations before the American Arbitration Association in the securities, contract, intellectual

property, employment, construction, and other areas. He has also served extensively as a special master in New York Supreme Court.

He is the author of *International Law and Nuclear Weapons in the Post Cold War World* (Austin & Winfield, 2000) (with forewords by Robert S. McNamara, David W. Leebron, and Kosta Tsipis).

Mr. Moxley's pro bono activities include service as Chair of the Independent Judicial Screening Committee for the designation of candidates for New York City Civil Judge. He is also a member of the board of the Lawyers' Committee for Nuclear Policy and a former board member of the Lawyers Alliance for World Security. In addition, he has served as New York City Law Industry Chair for the March of Dimes Walkathon.

During law school, Mr. Moxley served as managing editor of the Columbia Journal of Transnational Law. He then served as law clerk to the Hon. Thomas F. Croake of the U.S. District Court for the Southern District of New York.

**Education:**

- B.A., Fordham University (1965)
- M.A., Fordham University (1966)
- J.D., Columbia University School of Law (1969)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1969)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second and Seventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

**Professional affiliations:**

- American Bar Association
- Association of the Bar of the City of New York
- New York State Bar Association
- New York County Lawyers Association

Mr. Moxley can be reached by email at: [cmoxley@kaplanfox.com](mailto:cmoxley@kaplanfox.com)

**SUSAN R. SCHWAIGER** joined Kaplan Fox in February 2007. She practices in the area of antitrust law. Prior to joining the firm, Ms. Schwaiger was Of Counsel with Cohen, Milstein, Hausfeld & Toll, P.L.L.C. and Pomerantz Haudek Block Grossman & Gross LLP, practicing in the antitrust area, and an associate with Shearman & Sterling, where she practiced in all areas of litigation. During law school, Ms. Schwaiger was a member of the Brooklyn Law Review.

**Education:**

- B.S., University of Tennessee (1971)

- M.A., University of Kentucky (1973)
- J.D., Brooklyn Law School (1992)

**Bar affiliations and court admissions:**

- Bar of the State of New York (1993)
- U.S. District Courts for the Southern, Eastern and Northern Districts of New York

**Professional affiliations:**

- American Bar Association
- New York State Bar Association

Ms. Schwaiger can be reached by email at: [sschwaiger@kaplanfox.com](mailto:sschwaiger@kaplanfox.com)

**JUSTIN B. FARAR** practices in the area of securities litigation and antitrust litigation with a special emphasis on institutional investor involvement. He is located in the Los Angeles office. Prior to working at Kaplan Fox, Mr. Farar was a litigation associate at O'Melveny & Myers, LLP and clerked for the honorable Kim McLane Wardlaw on the Ninth Circuit Court of Appeals. Mr. Farar also currently serves as a Commissioner to the Los Angeles Convention and Exhibition Authority.

**Education:**

- J.D., order of the coif, University of Southern California Law School (2000)
- B.A., with honors, University of California, San Diego

**Bar Affiliations and Court Admissions:**

- Bar of the State of California (2000)
- U.S. District Court for the Central of California (2000)
- U.S. Court of Appeals for the Ninth Circuit (2000)

**Awards:**

- The American Society of Composers, Authors and Publishers' Nathan Burkan Award Winner, 2000 for article titled "Is the Fair Use Defense Outdated?"

Mr. Farar can be reached by email at: [jfarar@kaplanfox.com](mailto:jfarar@kaplanfox.com)



## EXHIBIT 2

**SCHNEIDER WALLACE COTTRELL BRAYTON KONECKY LLP**

Schneider Wallace Cottrell Brayton Konecky LLP, founded in 1993, specializes in consumer class actions, employment matters and civil rights litigation. Our class action practice focuses on impact litigation with a goal of remedying systemic wrongs.

Schneider Wallace Cottrell Brayton Konecky LLP and/or its partners have been appointed class counsel in many cases over the last sixteen years, including, but not limited to:

- *Rosa v. Morrison Homes*: a statewide construction defect case, certified as a class action on behalf of more than 400 home owners alleging that Morrison Homes failed to construct their homes in compliance with applicable building codes and standards.
- *Wren, et al. v. RGIS Inventory Specialists*: a national wage and hour action involving claims under federal and state law, certified as a class and collective action on behalf of approximately 80,000 current and former employees nationwide.
- *Bates v. United Parcel Service*: a first of its kind national disability discrimination class action on behalf of all deaf employees of UPS, which resulted in a partial settlement of \$5.8 million and, after a trial on the remaining claims, a liability verdict in favor of the Plaintiff class that was appealed and later settled.
- *Lopez, et al. v. San Francisco Unified School District*: a disability access class action on behalf of all mobility-impaired students in the San Francisco Unified School District, which resulted in a stipulated judgment requiring the District to make architectural and other access changes valued at over \$300 million.
- *Satchell, et al. v. FedEx Express, Inc.*: a race discrimination class action on behalf of approximately 20,000 current and former employees of FedEx seeking pay equity and equal opportunity for promotions, which resulted in a settlement of \$54.9 million.
- *Holliman v. Kaiser Foundation Health Plan*: Fair Labor Standards Act class action on behalf of health plan employees for unpaid overtime wages that resulted in a \$9 million class settlement.
- *National Federation of the Blind, et al., v. Target Corp.*, 582 F.Supp.2d 1185 (N.D. Cal. 2007): nationwide disability rights class action resulting in settlement for broad injunctive relief requiring Target Corporation to design

its website to be accessible to blind individuals using screen access software and for \$6 million, the largest damages fund in any class action brought on behalf of the blind.

- *Tong v. CVS*: a California wage and hour class action on behalf of pharmacists for unpaid wages, including overtime and straight-time wages and failure to provide adequate breaks, which resulted in a nearly \$20 million settlement.
- *Lenahan v. Sears*: a Fair Labor Standards Act class action on behalf of product repair service technicians for unpaid wages, which resulted in a \$15 million settlement.
- *Elkin v. Six Flags*: a California wage and hour class action on behalf of amusement park employees for failure to provide adequate breaks and failure to compensate for “off-the clock” work, which resulted in a \$14 million settlement.
- *Syran v. Lexis Nexis*: a nationwide class action brought for violations of the Fair Credit Reporting Act on behalf of individuals whose personal information was disclosed, which resulted in extensive changes to Lexis’ security procedures in addition to a monetary settlement of \$2.8 million.
- *Singleton v. Regents of the University of California*: A gender discrimination class action alleging that *Lawrence Livermore National Laboratory* paid its female employees less than their male counterparts and promoted them less often. This case settled for \$10.6 million after protracted litigation.

#### Todd M. Schneider

Mr. Schneider is an AV rated lawyer who serves on the Board of Directors of The San Francisco Trial Lawyers Association and as its treasurer and the Board of Governors of the Consumer Attorneys of California where he serves as Vice President. He is a member of the State Bar of California, the National Association of Consumer Advocates, the American Association for Justice, Public Justice and the California Employment Lawyers Association. He is a frequent lecturer on civil rights, employment, consumer rights and class action matters. Mr. Schneider won the San Francisco Trial Lawyers Association’s 2005 Trial Lawyer of the Year award for his work as co-lead counsel in the class action trial of *Bates v. UPS* (described above). Mr. Schneider has been listed as a “Super Lawyer” in the field of class actions by *Law and Politics Magazine* for each year since the list was first published. In 2006 he was a finalist for the Consumer Attorneys of California’s Consumer Attorney of the Year Award.

#### Guy B. Wallace

Mr. Wallace graduated from Harvard Law School in 1993. From 1993 to 1994, he was a Skadden Fellow at the Disability Rights Education and Defense Fund (DREDF). From 1994 to 1998 he was a Skadden Fellow and then Staff Attorney at Disability Rights Advocates. Between March 1998 and June 2000, he was a Staff Attorney at the Legal Aid Society of San Francisco/Employment Law Center and served as head of the disability rights practice at ELC. Mr. Wallace became a partner of the firm in June 2000. Mr. Wallace specializes in disability civil rights class actions, construction defect class actions and employment class actions. He has served as lead counsel, co-lead counsel or class counsel in more than eleven civil rights class actions, and has done so through trial and on appeal.

Carolyn H. Cottrell

Ms. Cottrell has been a member of the firm since 1995. Her entire legal career has been devoted to advocating for the rights of individuals who have been subjected to discrimination, harassment and retaliation. Ms. Cottrell has litigated hundreds of employment discrimination and civil rights actions. Ms. Cottrell is a member of the State Bar of California, the San Francisco Trial Lawyers Association, Public Justice, and the California Employment Lawyers Association. She earned her Bachelor's degree in 1989 from the University of California and is a 1993 graduate of the University of Pacific, McGeorge School of Law.

Clint Brayton

Mr. Brayton has been a member of the firm since 1997. Mr. Brayton has extensive experience litigating employment claims in both Federal and State court. Mr. Brayton has been involved in the trial of several high profile cases. Mr. Brayton joined Schneider Wallace Cottrell Brayton Konecky LLP in 1997. He is a graduate of Loyola Law School in Los Angeles and of the University of California at Berkeley.

Joshua Konecky

Prior to joining the firm in 2004, Mr. Konecky litigated national disability rights class actions at Disability Rights Advocates in Berkeley, CA, as well as employment discrimination and minimum wage & hour class actions at the public interest law firm of Saperstein, Goldstein, Demchak & Baller, also in Oakland. His experience includes trial and appellate work in federal and state court. Mr. Konecky also has authored and edited publications on discrimination and employment law, and he frequently lectures on these subjects as well. Mr. Konecky serves on the Board of Directors of the Center on Race Poverty and the Environment. He is a member the State Bar of California, National Employment Lawyers Association, California Employment Lawyers Association and the San Francisco Trial Lawyers Association. He is a former Skadden Public Interest Law Fellow, U.S. Fulbright Scholar in Argentina, and judicial law clerk for the Honorable Lawrence K. Karlton, U.S. District Court for the Eastern District of California. Mr. Konecky holds a J.D. from New York University School of Law (1995) and a B.A. from Haverford College (1990).

Mark Johnson

Previously with The Sturdevant Law Firm in San Francisco, Mr. Johnson represents plaintiffs in the areas of consumer protection, employment and disability discrimination and class action litigation. He has represented clients in disputes involving fraud and misrepresentation, unfair and unlawful business practices and gender and age discrimination in employment. Mr. Johnson is a member of the American Association for Justice, Consumer Attorneys of California, San Francisco Trial Lawyers Association and Public Justice. He received his J.D. from the University of California, Los Angeles School of Law (1977) and his B.A. in political science from the University of California, Berkeley (1974).

Garrett Wotkins

Mr. Wotkins is Of Counsel at the firm. His practice focuses on consumer class action litigation. Mr. Wotkins is a frequent speaker and continuing legal education instructor concerning class action and consumer financial services issues. In 2008, the Arizona Volunteer Lawyers Program gave him its "For Love of Justice" award in recognition of his volunteer work assisting Arizona homeowners fighting foreclosure. Mr. Wotkins received his Bachelor of Arts Degree from Rice University in 1996, where he graduated magna cum laude, and received his law degree from the University of Chicago Law School in 1999, where he was a staff member of The University of Chicago Law Review. Following law school, Mr. Wotkins served for a year as a law clerk to the Honorable John M. Duhe, Jr., of the United States Court of Appeals for the Fifth Circuit. Prior to joining the firm, he worked in the Washington, D.C., office of O'Melveny & Myers LLP. There he played a leading role in defending numerous antitrust matters, including litigation concerning alleged bid-rigging in the insurance industry brought by then-New York Attorney General Eliot Spitzer and commercial antitrust litigation concerning underwriting in the secondary market for life insurance policies.

## EXHIBIT 3

**SQUITIERI & FEARON, LLP**  
**Attorneys at Law**  
**32 East 57<sup>th</sup> Street**  
**12<sup>th</sup> Floor**  
**New York, New York 10022**  
**Tel: 212-421-6492**  
**Fax: 212-421-6553**

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Squitieri & Fearon, LLP represents stockholders, consumers and pension plan participants in complex class actions and individual lawsuits throughout the United States. The name partners of Squitieri & Fearon, LLP formed the firm in 2001 and had been partners in the firm formerly known as Abbey, Gardy & Squitieri, LLP. Messrs. Squitieri and Fearon collectively have over 30 years of class action experience.

**RECENT COURT APPOINTMENTS**

Squitieri & Fearon, LLP is active in high profile litigation and has recovered millions of dollars for its clients. The firm has been appointed lead counsel or co-lead counsel by courts across the country, and is currently lead or co-lead counsel in the following nationwide class actions cases:

- In re Pilgrim's Pride Stock Investment Plan ERISA Litigation, 08-cv-472-TJW (E.D. Texas).
- In re Bank of America ERISA Litigation Corp., 09-MDL 2058 (S.D.N.Y).
- In re AIG ERISA Litigation II, 08-CV-5722 (S.D.N.Y).
- Slaymon v. SLM Corp., et al., 08-CV-4334 (S.D.N.Y.).
- In re RadioShack Corp. ERISA Litigation, 08-1875 (N.D. Texas).
- In re AIG ERISA Litigation, 04-CV-9387 (S.D.N.Y).
- In Re: Live Concert Antitrust Litigation, et al., 06-CV-1745 (C.D. Cal.).
- Levie v. Sears Roebuck & Co., et al., 04-CV-7643 (N.D. Ill.).
- In Re Jamster Marketing Litigation, MDL No. 1751, Master File No. 05-CV-0819 (S.D. Cal.) (appointed to the Executive Committee for plaintiffs and the Class).
- In Re LEAR Corp. ERISA Litigation, Master File No. 5:06-CV-11735 (E.D.Mich., Southern Division) (appointed to the Executive Committee of plaintiffs' counsel).

- In re Computer Associates International Inc. Derivative Action, 04-CV-2697 (E.D.N.Y.).
- Bert Vladimir, et al. v. Bioenvision, Inc., et al., 07-6416 (S.D.N.Y.).

Squitieri & Fearon, LLP is counsel for a class of currency trading customers of RefcoFX Associates, LLC in American Financial International Group-Asia, LLC v. Refco, Inc. et al., 05-CV-8988 (GEL) (S.D.N.Y.).

The firm has been retained by a number of investment funds to pursue securities fraud claims on their behalf. The firm has successfully obtained settlements for such clients many times in excess of the average class action per share settlement.

Messrs. Squitieri and Fearon are accomplished defenders of shareholder rights as attested to by their successful results on behalf of investors in cases in which either Messrs. Squitieri and Fearon were the (or one of the) lead litigation lawyers:

- Damon Trust v. Ford, 03-CV-135 (W.D. Mich. 2003) (recovery of \$6 million cash in shareholder derivative action just days before trial).
- CA, Inc. Shareholders' Derivative Litigation Employee Option Action, No. 06-5026 (TCP) (negotiated the implementation of significant corporate governance enhancements, including a "Clawback Policy" allowing Board Committee to direct CA to recover compensation awards after final results restated).
- In Re Schering Plough Corporation Shareholders Derivative Litigation, 01-CV-1412 (D.N.J.) (significant changes to Company's corporate governance structure and management level changes described by Court as "significant" and "substantial" involving "wholesale restructuring of a major corporation's governance and compliance functions.")
- In re Bristol Myers Squibb Company Derivative Litigation, 02-CV-8571 facilitated recovery of \$200 million on behalf of Company and negotiated the implementation of significant corporate governance enhancements for the Company.
- Laufer v. Lucent Technologies, Inc., 01-CV-5229 (D.N.J.) (recovery of approximately 35% of bond purchasers' losses).
- In re Seagate Technology, Inc. Shareholders Litigation, C.A. No. 17932-NC (Del. Ch. Ct. 2000) (approximately \$200 million in incremental benefits for shareholders).
- In re Westinghouse Securities Litigation, 91-CV-354 (W.D. Pa. 1999) (\$67 million recovery).



- In re National Health Laboratories Securities Litigation, 92-CV-1949 (S.D.Cal.1995) (\$64 million recovery).
- In re National Medical Enterprises Securities Litigation, 91-CV-5452 (C.D. Cal. 1994) (\$60.7 million recovery).
- In re Coram Healthcare Corp. Securities Litigation, Master File No. 95-N-2074 (D. Colo. 1997) (\$47 million recovery).
- In re Leslie Fay Securities Litigation, Master File No. 92-CV-8036 (S.D.N.Y.) (\$35 million recovery).
- Demint v. Nationsbank of Florida, et al., 94-995-CIV-T-23B (U.S.D.C. Middle District of Florida, Tampa Division 1996) (partial settlement of certain claims for \$25 million, remainder of claims settled for \$30 million).
- In re Sun Healthcare Group, Inc. Litigation, 95-CV-7005 JC/WWD (D.N.M.) (\$24 million recovery).
- In re Caterpillar, Inc. Securities Litigation, 90-CV-1238, 90-CV-1242 (C.D. Ill.) (\$23 million recovery).

Squitieri & Fearon, LLP has handled hundreds of product liability mass tort cases and has successfully recovered millions of dollars for its clients who have been injured by defective pharmaceuticals. The firm was appointed by the court as liaison counsel for plaintiffs in the consolidated mass tort pharmaceutical cases of In Re: New York Phenylpropanolamine (PPA) Products Liability Litigation, Master Index No. 761,000/03 (Supreme Court, New York County) and In Re: New York Rezulin Products Liability Litigation, Master Index Number 752,000/00 (Supreme Court, New York County).

Messrs. Squitieri and Fearon have received commendations from many courts before whom they have appeared, for example:

- Damon Trust v. Ford, 03-CV-135 (W.D. Mich. 2003) (J. Quist) \$6 million recovery on behalf of Mackinac Financial Corporation f/k/a North Country Financial Corporation in shareholders derivative action. Case settled just 10 days from jury selection and opening statements. This firm (one of two trial counsel) was lauded by the Court: “. . . the plaintiffs’ lawyers did a good job . . . they were successful almost a hundred percent.”
- In re Waste Management, Inc. Securities Litigation, 97-CV-7709 (N.D. Ill. 1999) (\$220 million settlement) in which United States District Court Judge Wayne R. Andersen favorably commented on the lawyers who actually litigated the case, including Lee Squitieri:

“...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases ... in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here ... I would say this has been the best representation that I have seen. But I really mean that.”

- In Laufer v. Lucent Technologies, Inc., 01-CV-5229 (D.N.J.), Judge Joel A. Pisano in approving a settlement obtained by Squitieri & Fearon as lead counsel noted that Squitieri & Fearon, LLP was “highly experienced in handling complex, sophisticated securities litigation.”
- In In re Seagate Technology, Inc., C.A. No. 17932-NC (Del. Ch. Ct. 2002), Vice Chancellor Leo E. Strine commented: “Clearly, plaintiffs hit upon some-some very interesting facts, and they put in a lot of – a lot of time, and they did highly skilled work against highly skilled opposition.”

The firm’s lawyers are:

#### **Partners:**

LEE SQUITIERI received a B.A. degree from Rutgers College and received his law degree from New York Law School. Mr. Squitieri is admitted to the New York and New Jersey State Bar, the United States District Courts for the Southern and Eastern Districts of New York, the First, Second, Third, Fifth and Seventh Circuit Courts of Appeal, and the District of New Jersey.

STEPHEN J. FEARON, JR. graduated from Boston University and received his law degree from New York Law School. Mr. Fearon is admitted to the New York State Bar, the United States District Courts for the Southern and Eastern Districts of New York, the Eastern and Western Districts of Michigan, the District of Arizona as well as the Second, Sixth, Eighth and Ninth Circuit Courts of Appeals.

#### **Associates:**

CAITLIN DUFFY graduated from Hunter College, CUNY *magna cum laude* and received her law degree from Brooklyn Law School. She is admitted to the New York and New Jersey State Bars, United States District Courts for the Southern and Eastern Districts of New York and the District Court of New Jersey.

GARRY T. STEVENS, JR. graduated from Binghamton University and received his law degree from Brooklyn Law School. He is admitted to the New York and New Jersey State Bars and the United States District Courts of New York and New Jersey.

OLGA A. POSMYK graduated from Fordham University, *magna cum laude* and received her law degree from Brooklyn Law School. She is admitted to the New York State Bar.

JOSEPH GOLJAN graduated from Boston College and received his law degree from Brooklyn Law School. His admission to the bar is currently pending in New York.

**Certificate of Service**

I, Christine M. Fox, declare that I caused a true and correct copy of the foregoing document to be served upon all Counsel of record by filing the same using the Court's electronic filing system.

August 14, 2009

/s/ Christine M. Fox

Christine M. Fox